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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,921

05/19/2006

Morgane Bomsel

BJS-3665-180

4876

23117 7590 12/02/2008  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

NIEBAUER, RONALD T

ART UNIT

PAPER NUMBER

1654

MAIL DATE

DELIVERY MODE

12/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10579921	5/19/2006	BOMSEL ET AL.	BJS-3665-180

NIXON & VANDERHYE, PC  
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ARLINGTON, VA 22203

**EXAMINER**

RONALD T. NIEBAUER

ART UNIT	PAPER
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1654

20081119

DATE MAILED:

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**Commissioner for Patents**

The reply filed on 9/8/08 is not fully responsive to the prior restriction requirement because of the following omission(s) or matter(s): while applicant has elected a group (Group 1), applicant has not elected a unique species for the cyclic peptide. Applicants state that they elect SEQ ID NO:17. However, SEQ ID NO:17 is a subgeneric sequence with a variety of residues possible at positions X. The restriction requirement (page 3 'election of species' section) expressly stated that a specific species of cyclic peptide should be identified such that all variable groups are uniquely defined. Applicant is to elect a single species such that all the variable groups are uniquely defined. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald T. Niebauer whose telephone number is 571-270-3059. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm, alt. Friday, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached at 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald T Niebauer/  
Examiner, Art Unit 1654

/Anish Gupta/  
Primary Examiner, Art Unit 1654